

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROGER EARL COLEY, )  
                       )  
                       Plaintiff, )  
                       )  
                       v.         )         1:18CV525  
                       )  
ERIC A. HOOKS, et al., )  
                       )  
                       Defendant(s). )

**ORDER**

On October 25, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Within the time limit prescribed by Section 636, Plaintiff filed a document that he captioned as a "Notice of Appeal" (Doc. 7), which this court will construe as Objections to the Recommendation given the nature and timing of the filing.

The court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 5), which is affirmed and adopted.

IT IS THEREFORE ORDERED that this action is filed and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper 42 U.S.C. § 1983 forms, which corrects

the defects cited in the Recommendation of the United States  
Magistrate Judge.

/s/ Thomas D. Schroeder  
United States District Judge

December 6, 2018